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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,343	04/29/2004	Hai-Tao Ma	ACMP0106USA	3342
27765 7590 05/22/2007 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER WASHINGTON, JAMARES	
			ART UNIT 2609	PAPER NUMBER
			NOTIFICATION DATE 05/22/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/709,343

Applicant(s)

MA, HAI-TAO

Examiner

Jamares Washington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/6/2005 and 7/30/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, and 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunihiko Nakagawa et al (US 5724159 A).

Regarding claim 1, Nakagawa et al discloses a scanner comprising:

a housing including an upper case and a lower case (as depicted in Fig. 2, 6, 7, 8 etc.);

a shaft seat positioned between the upper case and the lower case (Fig. 4 numeral 2

“frame”);

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a shaft set on the shaft seat (“...a guide shaft 4 fixed to the frame 2...” at column 8 line 59. Fig. 3);

a scanning module slidably set on the shaft (Fig. 3 numeral 6. Slides in the A or B direction as depicted);

a lock set on the housing for fixing the scanning module (“...holding member 15...” at column 9 line 53. Fig. 3 numeral 15);

and a buffer pad set between the shaft seat and the shaft, between the shaft seat and the upper case or lower case, or between the lock and the scanning module (“The elastic member 14...has a shock absorbing function which does not easily transmit external vibrations...to the reading unit” at column 9 line 61. Fig. 3 numeral 14. The “or” terminology used in the claim language affords for one of the limitations to be met to meet the claim limitation as a whole).

Regarding claim 3, Nakagawa et al discloses the scanner of claim 1 wherein the buffer pad is a ring-shaped elastomer set between the shaft seat and the shaft (“...the elastic member 14 is preferably made of rubber...” at column 9 line 61. Fig. 5a numeral 14 set between numeral 2 and numeral 6).

Regarding claim 4, Nakagawa et al discloses the scanner of claim 1 wherein the buffer pad is an elastomer laid on the lock and set between the lock and the scanning module (Fig. 5b numeral 15. The elastic member 14 cushions the “lock” or screw in this case and separates the locking mechanism from the scanner module as depicted).

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Regarding claim 5, Nakagawa et al discloses the scanner of claim 1 wherein the buffer pad is an elastomer set into a groove which is between the lock and the scanning module (Fig. 5B depicts the elastic member 14 set into a groove of the frame 2 which is between the lock 15a and the scanning module 6).

Regarding claim 6, Nakagawa et al discloses a scanner comprising:

- a housing including an upper case and a lower case;
- a shaft seat set between the upper case and the lower case;
- a shaft set on the shaft seat;
- a scanning module slidably set on the shaft; and
- a buffer pad set between the shaft seat and the shaft or between the shaft seat and the upper case or the lower case (as rejected in claim 3 above).

Regarding claim 7, Nakagawa et al discloses the scanner as rejected in claim 2 above.

Regarding claim 8, Nakagawa et al discloses the scanner as rejected in claim 3 above.

Regarding claim 9, discloses the scanner of claim 6 wherein the scanner further comprises a bolt for fixing the scanning module (Fig. 3 numeral 15 “holding member”).

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Regarding claim 10, discloses the scanner of claim 9 wherein the surface of the bolt is covered with an elastomer (as rejected in claim 4 above. As the holding member is inserted into the elastic member it is “covered by the rubber member).

Regarding claim 11, discloses the scanner of claim 9 wherein a groove that contains the bolt in the scanning module is lined with an elastomer (as rejected in claim 5 above. The elastic member is inserted into the groove and therefore “lines” the groove).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunihiro Nakagawa et al (US 5724159 A).

Regarding claim 2, Nakagawa et al teaches the scanner as rejected in claim 3 above wherein the buffer pad is an elastomer set between the shaft seat and the shaft.

Nakagawa et al fails to teach the buffer pad being an arc-shaped elastomer.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the ring-shaped elastomer into an arc-shaped elastomer to provide the same shock protection using less material and therefore cutting costs.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamares Washington
Junior Examiner
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05/08/07

JW



BRIAN WERNER
SUPERVISORY PATENT EXAMINER